

**U.S. Department of Labor**

Board of Alien Labor Certification Appeals  
800 K Street, NW  
Washington, D.C. 20001-8002



Date: January 6, 1992  
Case No.: 91-INA-262

In the Matter of:

HUB TRUCK RENTAL,  
Employer

on behalf of

EMMANUEL P. LEACOCK,  
Alien

BEFORE: Brenner, DeGregorio, Glennon, Groner,  
Guill, Litt and Romano  
Administrative Law Judges

**ORDER DENYING PETITION FOR EN BANC REVIEW**

The appeal by the alien of the Certifying Officer's denial of labor certification was dismissed by a panel of the Board of Alien Labor Certification Appeals (the Board) on October 18, 1991. The Board held that failure of Employer to join in the request for review necessitated a dismissal of the appeal. An alien cannot pursue an appeal of a final determination without the employer joining in the appeal. 20 C.F.R. § 656.26(a). The alien petitioned for en banc review November 6, 1991.

Although the Board has read with sympathy and interest of the circumstances which lead to this petition, the fact remains that an appeal cannot be maintained when Employer has not joined in the petition. Upon consideration of this case, the Board finds no support for the alien's motion. Accordingly,

IT IS ORDERED that the alien's Petition for En Banc Review is hereby DENIED.

At Washington, D.C.

Entered at the direction of  
the Board by:

Todd R. Smyth  
Secretary to the Board of  
Alien Labor Certification Appeals